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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/292,552	04/15/1999	CHARLES L MAURO	9628006999	3736

20583 7590 04/11/2002

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EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

2163

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/292,552

Applicant(s)
Mauro et al

Examiner
Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 11, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 and 51-70 is/are pending in the application.
- 4a) Of the above, claim(s) 1-7, 34-47, and 53-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-33, 48, 49, 51, and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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Request for Continued Examination

1. This communication is in response to the request filed on January 2/11/2002 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d). The request is acceptable and a RCE has been established. An action on the RCE follows.

Response to Arguments

2. Applicant's arguments with respect to claims 8-33 and 48-52 filed on February 11, 2002 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-15, 21-28 and 48-49 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (6,014,643) in view of Dialog (T. Rowe Price Launches Site on World Wide Web to Serve an Educational Resource for Investors).

As per claim 8, Minton discloses an interactive securities trading program comprising:

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(a) computer display for displaying orders to buy certain securities at different prices based on data transmitted over the network by at least some of the users of the service, and (b) a computer display of offers to sell the certain securities at different prices based on data transmitted over the network by at least some of the traders of the service (i.e. allowing users to view orders to sell and buy of securities) (Col. 7, lines 33-46).

Minton fails to explicitly disclose wherein at least some displayed data is updated with data transmitted over the network by the computer system without the user requesting any updates. Dialog on the other hand, disclose a watch list and prices being updated automatically "without user intervention". It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosure of Minton by adding the watch list and updating stock prices as evidenced by Dialog. In so doing would allow a user/trader to quickly change his or her portfolios and to provide quick access to real-time transaction data about securities.

As per claim 9, Minton teaches wherein the network is the Internet (col. 7, line 58).

As per claim 10, Minton discloses where the users are individual. Note the abstract.

As per claim 11, Minton teaches providing a software for providing a computer display of a graphical representation of range of offers for the certain securities in the user-to -user trading (i.e. a software for displaying offers) (col. 1, line 42 and col. 1, lines 57-65).

As per claim 12, Minton teaches a software for displaying offers to buy or offers to sell provided by a particular user (col. 1, line 42 and col. 1, lines 57-65).

As per claim 13, Minton teaches a negotiating process (col. 11, lines 26-41), it is thus infers that a counter-offer be entered in a negotiation transaction/process.

As per claim 14, Minton teaches a user accepting an offer (col. 7, lines 43-46).

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As per claim 15, Minton teaches the a display of securities selected “paid” by a user (col. 10, lines 43-53).

As per claim 21, Minton discloses an interactive securities trading program comprising:

(a) computer display for displaying orders to buy certain securities at different prices based on data transmitted over the network by at least some of the users of the service, and (b) a computer display of offers to sell the certain securities at different prices based on data transmitted over the network by at least some of the traders of the service (i.e. allowing users to view orders to sell and buy of securities) (Col. 7, lines 33-46).

Minton fails to explicitly disclose wherein at least some displayed data is updated with data transmitted over the network by the computer system without the user requesting any updates. Dialog on the other hand, disclose a watch list and prices being updated automatically “without user intervention”. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosures of Minton by adding the watch list and updating stock prices as evidenced by Dialog. In so doing would allow a user/trader to to quickly change his or her portfolios and to provide quick access to real-time transaction data about securities.

As per claim 22, Minton teaches wherein the network is the Internet (col. 7, line 58).

As per claim 23, Minton discloses where the users are individual. Note the abstract.

As per claim 24, Minton teaches providing a software for providing a computer display of a graphical representation of range of offers for the certain securities in the user-to -user trading (i.e. a software for displaying offers) (col. 1, line 42 and col. 1, lines 57-65).

As per claim 25, Minton teaches a software for displaying offers to buy or offers to sell provided by a particular user (col. 1, line 42 and col. 1, lines 57-65).

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As per claim 26, Minton teaches a negotiating process (col. 11, lines 26-41). But Minton does not explicitly disclose an electronic form for entering a counter offer. It is thus inherent in Minton that a counter-offer be entered in the negotiating process.

As per claim 27, Minton teaches a user accepting an offer (col. 7, lines 43-46).

As per claim 28, Minton teaches the a graphical display of securities selected by a user (col. 8, lines 43-45).

As per claim 48, Minton discloses a software for receiving and displaying data relating to price quotes for securities (i.e. displaying quote information)(col. 10, lines 46-54), data relating to account balances (i.e. displaying a user account information)(col. 8, lines 60-62 and col. 13, lines 18-45), data relating to news information regarding the securities (i.e. displaying securities news information) (col. 9, lines 16-17), and data relating to a user's position in securities (col. 8, lines 60-62).

Minton fails to explicitly disclose wherein the program further comprising means for receiving updates to the price quotes for at least one security without the user requesting each of the updates and means for displaying an updated quote to the user. Dialog on the other hand, disclose a watch list and prices being updated automatically "without user intervention". It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosure of Minton by adding the watch list and updating stock prices as evidenced by Dialog. In so doing would allow a user/trader to to quickly change his or her portfolios and to provide quick access to real-time transaction data about securities.

As per claim 49, Minton further discloses wherein the security is a stock (col. 8, lines 43-45).

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As per claim 51, Minton further discloses a software for displaying a graphical form market value of a security (col. 14, lines 1-19).

As per claim 52, Minton further discloses a software for displaying offers to buy and offers to sell securities in a user-to-user trading (col. 7, lines 33-46).

5. Claims 16-19, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (6,014,643) in view of Fraser et al (U.S. Patent No. 5,905,974) further in view of Dialog (T. Rowe Price Launches Site on World Wide Web to Serve an Educational Resource for Investors).

As per claim 16, Minton discloses a computer program and interface for allowing users to buy and sell securities (col. 3, line 65 through col. 4, line 11), a non-overlapping display (see figure 5) of user's current security position (col. 8, lines 60-62), an open order list of the user (i.e. when a user forms an order, the order is transferred and displayed in an order list) (col. 7, lines 33-46). Minton fails to explicitly disclose the display a trade ticket. Fraser et al on the other hand, shows the display of a trade ticket a trade ticket (col. 7, lines 13-22). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosure Minton by adding a trade ticket as evidenced by Fraser et al. One would have been motivated to use such a modification for tracking all market transactions of the securities traded between the trading partners. The combination of Minton and Fraser fails to explicitly disclose a display of a watch list of securities wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update. Dialog disclose a watch list watch list and prices being updated. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosures of Minton and Fraser by adding the watch list and updating stock prices

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as evidenced by Dialog. In so doing would allow a user/trader to to quickly change his or her portfolios and to provide quick access to real-time transaction data about securities.

As per claim 17, Minton discloses providing a computer display of offers to buy and sell the securities (column 7, lines 33-36).

As per claim 18, Minton discloses a software for providing a non-overlapping computer display of news information (col. 9, 16-17).

As per claim 19, the combination of Minton, Fraser and Dialog teaches a trade ticket, Minton Fraser and Dialog does not explicitly disclose pre-filling the trade ticket. It would have been obvious to a person of ordinary skill in the trading arts at the time the invention was made to pre-fill the trade ticket in order to ensure that all trade information and conditions are obtained from trading participants, thereby allowing all eligible standing orders to be considered.

As per claims 29, Minton discloses a computer program and interface for allowing users to buy and sell securities (col. 3, line 65 through col. 4, line 11), a non-overlapping display (see figure 5) of user's current security position (col. 8, lines 60-62), an open order list of the user (i.e. when a user forms an order, the order is transferred and display in an order list) (col. 7, lines 33-46). Minton fails to explicitly disclose the display a trade ticket. Fraser et al on the other hand, shows the display of a trade ticket a trade ticket (col. 7, lines 13-22). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosure of Minton by adding a trade ticket as evidenced by Fraser et al. One would have been motivated to use such a modification for tracking all market transactions of the securities traded between the trading partners. Furthermore, the combination of Minton and Fraser fails to explicitly disclose a display of a watch list of securities wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each

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update. Dialog discloses a watch list and prices being updated automatically “without user intervention”. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosures of Minton and Fraser by adding the watch list and updating stock prices as evidenced by Dialog. In so doing would allow a user/trader to quickly change his or her portfolios and to provide quick access to to quickly change his or her portfolios and to provide quick access to real-time transaction data about securities.

As per claim 30, Minton discloses providing a computer display of offers to buy and sell the securities (column 7, lines 33-36).

As per claim 31, Minton discloses a software for providing a displayed non-overlapping computer display of news information (col. 9, lines 37-38).

As per claims 32, the combination of Minton, Fraser and Dialog teaches a trade ticket, Minton Fraser and Dialog does not explicitly disclose pre-filling the trade ticket. It would have been obvious to a person of ordinary skill in the trading arts at the time the invention was made to pre-fill the trade ticket in order to ensure that all trade information and conditions are obtained from trading participants, thereby allowing all eligible standing orders to be considered.

6. Claim 20 is rejected under 103(a) as being unpatented over Minton, Fraser and dialog applied to claim 16 above, and further in view of Tull, jr. et al (U.S. Patent No. 6,092,056).

As per claim 20, the combination of Minton, Fraser and Dialog fails to explicitly disclose displaying the performance of the securities. Tull, jr. et al, on the other hand discloses performance of a financial instruments “securities”. Not abstract. It would have been obvious to a person of ordinary skill in the art at the time of the applicant’s invention to have modified Minton, Fraser and Dialog to include a performance of the financial instruments as evidenced by Tull, jr. et

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al. One would have been motivated to use such a combination for administering information on each share of a selected basket of shares which is represented in a capital market.

7. Claim 33 is rejected under 103(a) as being unpatented over Minton, Fraser and dialog applied to claim 29 above, and further in view of Tull, jr. et al (U.S. Patent No. 6,092,056).

As per claim 33, the combination of Minton, Fraser and Dialog fails to explicitly disclose displaying the performance of the securities. Tull, jr. et al, on the other hand discloses performance of a financial instruments "securities". Note abstract. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have modified Minton, Fraser and Dialog to include a performance of the financial instruments as evidenced by Tull, jr. et al. One would have been motivated to use such a combination for administering information on each share of a selected basket of shares which is represented in a capital market.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Smith (Dialog) discloses Web Street Inc: Initiating Coverage.

b. Dialog discloses Smartserv Online Provide Real-Time Trading Services for Customers of Andrew Peck Associates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed **Romain Jeanty** whose telephone number is **(703) 308-9585**. The examiner can normally be reached on weekdays from 7:30 a.m to 6:00 pm.

If attempts to reach the examiner are not successful, the examiner's supervisor, **Tariq R Hafiz** can be reached at **(703) 305-9643**.

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Any inquiry of a general nature or relating to the status of this application or preceding should be directed to the group **receptionist** whose telephone number is **(703)308-3900**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C 20231

or faxed to:

(703) 746-7238 (After-Final communication)


(703) 746-7239 (Official communication)

(703) 746-7240 (Informal or draft communication labeled ("PROPOSED" or "DRAFT").

Hand delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington VA., fourth floor receptionist.

RJ

April 6, 2002.


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100